

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: HAZEL DELL HEIGHTS SUBDIVISION

Case Number: PLD2004-00049; SEP2004-00081; VAR2004-00007

Location: NE 72nd Street east of NE 16th Avenue

Request: The applicant is requesting to subdivide an approximate 3.51-acre parcel into 19 single-family residential lots in the R1-6 zone district. The applicant is also requesting a variance to the minimum lot width for lot 1.

Applicant: James Engineering
Attn: Hugh James
6168 NE Hwy 99 – 101A
Vancouver, WA 98665
(360) 696-1433; (360) 750-9295 FAX
E-mail: ajameseng@netscape.net

Contact Person: Same as applicant

Property Owner: Hazel Dell Heights, LLC
7301 NE Hwy 99 - #2
Vancouver, WA 98665
(360) 993-2070

RECOMMENDATION

Approve subject to Conditions of Approval

Team Leader's Initials: _____ **Date Issued:** September 22, 2004

Public Hearing Date: October 7, 2004

County Review Staff:	<u>Name</u>	<u>Ext.</u>	<u>E-mail Address</u>
Planner:	Dan Carlson	4499	daniel.carlson@clark.wa.gov
Engineer (Trans. & Stormwater):	Ken Carlson	4881	ken.carlson@clark.wa.gov
Engineer (Trans. Concurrency):	Shelley Oylear	4354	Shelley.Oylear@clark.wa.gov
Team Leader:	Susan Ellinger	4272	susan.ellinger@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Richard Drinkwater, P.E.	4492	richard.Drinkwater@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov

Comp Plan Designation: Urban Low Density Residential

Zoning: R1-6

Parcel Number(s): Parcel Numbers 148056-000, 148153-000, 148209-000 & 148360-000 located in the NW Quarter of Section 12, Township 2 North, Range 1 east of the Willamette Meridian

Applicable Laws:

Clark County Code Sections: 12.05A (Transportation); 13.08A (Sewer); 13.29 (Stormwater and Erosion Control Ordinance); 13.40A (Water); 13.60 (Geologic Hazard Areas); 13.70 (Critical Aquifer Recharge Areas); Title 15 (Fire); Title 17 (Land Division); 18.65 (Impact Fees); 18.308 (Single-Family Residential); 18.501 (Variances); 18.600 (Procedures); 20.06 (SEPA); Title 24 (Public Health); 40.350.020 (Concurrency); and RCW 58.17 (State Platting Laws).

Neighborhood Association/Contact:

NE Hazel Dell Neighborhood Association
Bud Van Cleve, President
1407 NE 68 Street
Vancouver, WA 98665
695-1466
E-mail to Bud Van Cleve: BSVANC@aol.com
E-mail to Doug Ballou: dballou@pacifier.com

Time Limits:

The application was determined to be fully complete on June 17, 2004 (Ex. 7). The applicant requested that the hearing be postponed from September 2 to October 7, (Ex. 15), thereby extending the deadline by 35 days. Therefore, the County Code requirement for issuing a decision within 92 days lapses on October 22, 2004. The State requirement for issuing a decision within 120 calendar days, lapses on November 19, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on December 4, 2003. The pre-application was determined to be contingently vested as of November 4, 2003.

The fully complete application was submitted on June 3, 2004 and determined to be fully complete on June 17, 2004. Given these facts the application is vested on November 4, 2003.

Transportation concurrency is based on a first come, first serve basis. If there is sufficient remaining capacity on the roadways that will serve the subject development, the project will be approved for concurrency. Vesting for transportation concurrency (i.e., reservation in the concurrency line) is established at the time the fully complete application was submitted. Therefore, this application vested for concurrency on June 3, 2004.

There are no disputes regarding vesting.

Public Notice:

Notice of application and public hearing was mailed to the applicant, NE Hazel Dell Neighborhood Association, and property owners within 300 feet of the site on June 30, 2004. Notice of the revised hearing date was mailed on August 18, 2004. One sign was posted on the subject property and two within the vicinity on September 22, 2004. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on September 22, 2004.

Public Comments:

Sandra Towne, Clark County Long Range Planning, Memorandum received August 5, 2004 (Ex. 12)

Ms. Towne submitted a copy of the archeological predetermination that was prepared for the adjacent WSU Vancouver 78th Street/Clark County Poor Farm Property, and requests that the exact location of the Poor Farm be determined prior to processing of this application. She indicates that ground penetrating radar exploration test results will be submitted, as well as a topographic survey of the eastern boundary of the Hazel Dell Heights property.

The applicant asked that the hearing date be postponed from the original September 2 date to October 7, 2004 in order to analyze this information. Both the Subsurface Mapping Survey for Graves (Ex. 18) and the topographic survey (Ex. 23) have been submitted. The subsurface mapping survey does not indicate that any graves are located on the subject property. Therefore, as discussed in the Archeological Finding

below, no further work is recommended. In addition, no additional conditions of approval are warranted based on either the subsurface mapping or the topographic survey.

Esther Van Steenwyk, Comment letter received August 6, 2004 (Ex. 10)

Ms. Steenwyk supports the proposal, but requests a condition of approval requiring changes to the proposed driveway ingress and egress in a non-exclusive easement area that serves her property. Staff finds that the joint driveway was placed in this location by the applicant's engineer and was done so in regards to safety for sight distance concerns. Any other concerns regarding vested rights and ownership would be between the homeowner and the applicant.

Project Overview

The subject property is located on NE 72nd Street, east of NE 16th Avenue. The site is largely forested and slopes from south to north at approximately 30%, but has some areas where the slopes approach 50%. There is an existing foundation on the proposed Lot 1 that will be removed. The subject property is zoned R1-6, and surrounding properties are zoned R1-6 and R-30. The property directly to the east is the site of the WSU Vancouver 78th Street Agricultural Center, which includes the Clark County Poor Farm Cemetery. The applicant is requesting to subdivide the approximate 3.51-acre parcel into 19 single-family residential lots. In addition to requesting subdivision and SEPA approval, the applicant is also requesting a variance to the minimum lot width for lot 1.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-6	Vacant
North	UH	R-30	Mobile Home Park
East	P/OS	R1-6	WSU Vancouver 78 th Street Agricultural Center/Clark County Poor Farm Cemetery
South	UL	R1-6	Single-family Residential
West	UL	R1-6	Single-family Residential

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1

CCC 18.308.060 requires a minimum average lot size of 6,000 square feet for the creation of new lots in the R1-6 zone. (Please note that the minimum average lot size does not appear in Table 18.308.060 due to a scrivener's error)

The applicant is proposing to include both 17th and 18th Avenues in the lot area calculations for Lots 2-13. These private road areas cannot be included in the lot area calculations, however, based on the following definitions:

CCC 18.104.445 defines "Lot Area" as "the computed area contained within the lot lines; said area to be exclusive of street or alley rights-of-way" and

CCC 18.104.710 defines "Street" as "all roads, streets, highways, freeways, easements, and public rights-of-way used for or designed for vehicular access or use, including private roads. In commercial zones, the definition of "street" shall be limited to public rights-of-way."

Private roads are excluded from the definition of "street" only in commercial zones. Because this is not a commercial zone, private roads are included in the definition of "street," which is excluded from lot area calculations.

This interpretation was supported by a Hearings Examiner Decision for the Taylor Place Subdivision (Ex. 21, pgs. 8 & 9), and was upheld on appeal by the Clark County Board of County Commissioners (Ex. 22).

With the lot area calculated to exclude the private road easements, the proposal does not meet the minimum average 6,000 square foot lot area standard. It appears that the area of the parent parcel, less the private road easement, will support a maximum of 18 lots. Therefore, the final plat shall be revised to comply with the minimum average lot size standard for the R1-6 zone. (See Condition A-1)

Finding 2

CCC 18.308.060 requires a minimum average lot depth of 90 feet. The applicant is proposing to include 17th Avenue in the lot depth calculation for Lots 2, 3, 6, and 7. This private road area cannot be included in the minimum average lot depth requirement, however, based on the following definitions:

CCC 18.104.460 defines "Lot depth" as "the horizontal distance between the midpoint of the front and opposite, usually, the rear lot line," and

CCC 18.104.475 defines "Front lot line" as "the property line abutting a street, or approved private road or easements."

By these definitions the lot depth for Lots 2, 3, 6, and 7 would be measured between the property line abutting NE 17th, and the rear lot line. None of these lots comply with the 90-foot requirement. Therefore, the final plat shall be revised so that all lots meet the minimum average lot depth requirement for the R1-6 zone. (See Condition A-2)

Finding 3

The applicant has requested a variance to the lot dimension standards for the proposed Lot 1. Lot 1 is in compliance with the lot standards for the R1-6 zone, however, based on the following definitions:

CCC 18.104.475 defines "Front lot line" as "the property line abutting a street, or approved private road or easements. For corner lots, the front lot line is that with the narrowest frontage," and

CCC 18.104.460 defines "Lot depth" as "the horizontal distance between the midpoint of the front and opposite, usually, the rear lot line," and

CCC 18.104.500 defines "Lot width" as "the horizontal distance measured at the building setback line between the two (2) opposite side lot lines. Average lot width shall be the average of the front and rear lot lines."

According to these definitions the front lot line would be the property line abutting the 60-foot ingress, egress, and utilities easement. That would mean that the lot meets the 90-foot average lot depth requirement and the 50-foot lot width requirement. Therefore, no variance is necessary for this lot.

Because a variance is not needed for this lot, staff recommends that the examiner deny the variance request.

Finding 4

According to CCC 18.402A.010(D)(6), land divisions are exempt from site plan review provided the applicable site plan review standards are met. Based on the zoning of the subject property and the abutting property to the north, the landscaping standards of CCC 18.402A.050 would apply to this development.

Table 402A-1 establishes the minimum buffer and landscaping requirements based on the zoning of property abutting the site. Where the subject property abuts R-30 zoning

to the north, a minimum 5-foot buffer landscaped to an L3 landscaping standard is required. The applicant has not submitted a landscape plan, but it does appear that sufficient room exists on the plan in order to comply with this requirement. Therefore, prior to final plat approval the applicant shall submit a landscape plan that provides a minimum 5-foot buffer landscaped to an L3 landscape standard along the northern boundaries of Lots 15-19 and Tract "A". (See Condition A-3)

A covenant running with the land shall be recorded with the final plat that requires the owners of lots containing the required landscape buffers to maintain the landscaping in accordance with the approved final landscape plan. (See Condition A-4)

The required landscaping shall be installed within Tract "A" prior to final plat approval, and prior to issuance of each occupancy permit for Lots 15-19. (See Conditions A-5 and C-1)

Finding 5

There is an existing foundation on the proposed Lot 1 that the applicant indicates will be removed. This foundation shall be removed prior to final plat approval. (See Condition A-6)

Finding 6

With conditions of approval, staff finds the proposed land division will make appropriate provisions for the public health, safety, and general welfare of the community. Extension and connection of proposed residences to public sewer and water, as well as treatment of any future increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

ARCHEOLOGICAL:

Finding 1

On February 29, 2004 Archeological Services of Clark County conducted a field inspection of the site (Ex. 6, Tab 16a). Because no archeologically significant items were found during both walkover and subsurface testing, no further archeological work was recommended. In addition, a subsurface mapping survey for graves (Ex. 18) was completed for the property to the west of the site. No further work was recommended by that study either.

If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines. (See Condition D-1)

TRANSPORTATION CONCURRENCY:

County concurrency staff has reviewed the proposed Hazel Dell Heights Subdivision consisting of a 19 single family lots. The proposed development is located south of NE

72nd Street, east of NE 16th Avenue. The applicant's traffic study has estimated the weekday AM peak hour trip generation at 14 new trips, while the PM peak hour trip generation is estimated at 19 trips. The following paragraphs document two transportation issues for the proposed development.

ISSUE 1: CONCURRENCY

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020B and is required to meet the standards established in CCC 40.350.020G for corridors and intersections of regional significance. The County's TraffixTM model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

Finding 1 – Site Access

Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access onto NE 72nd Street at NE 16th Avenue. The accesses appear to maintain acceptable LOS.

Finding 2 – Operating LOS on Corridors

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The applicant should reimburse the County for costs incurred in running the concurrency model. (See condition A-7)

Concurrency Compliance

The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

ISSUE 2: SAFETY

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Finding 3 – Traffic Signal Warrants

Signal warrants are not met at any of the subject intersections analyzed in the applicant's traffic study.

Finding 4 – Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the unsignalized intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

Finding 5 – Historical Accident Situation

The applicant's traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are below 1.0 accidents per million entering vehicles. Therefore, mitigation by the applicant is not required.

Finding 6 – Traffic Control

The frontage improvements of the proposed subdivision construct an additional leg to the intersection of NE 72nd Street and NE 16th Avenue. The changed roadway condition requires a review and revision of traffic control at the intersection. The applicant should volunteer to submit engineering, striping, signing plans and construct improvements to modify traffic control at the NE 72nd Street and NE 16th Avenue intersection. (See Condition B-2)

Finding 7 – Traffic Controls During Construction

During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way, the applicant will need to prepare and have approved a Traffic Control Plan. (See condition B-3)

The applicant shall maintain all existing signs within the public right of way within the limits of the development's construction until the public roads have been accepted by the County. The developer shall install and maintain temporary signs where the development's signing and striping plan shows new or modified warning or regulatory signs. New or modified temporary signing shall be installed when any connection is made to the public road network. The developer shall remove the temporary signs immediately after the County installs the permanent signing and striping.

TRANSPORTATION:

Finding 1 – Circulation Plan

Cross circulation in the vicinity of the site is provided via 16th Avenue and 72nd Street. The proposed onsite cul-de-sac accesses off of these two streets and cross circulation through this site to the adjacent site would be impractical due to steep grades.

Finding 2 – On-Site Roads

NE 72nd Street is classified as a cul-de-sac. The minimum frontage improvements and right-of-way in accordance with Standard Drawing #15 & #28, include:

- Full width right-of-way of 46 feet
- Full width roadway of 26 feet

- Curb, gutter and a sidewalk width of 5 feet.

The proposed right-of-way and improvements for this road comply with the minimum requirements.

NE 17th Avenue and NE 18th Avenue are classified as private roads. The minimum improvements required include:

- Curb to curb width of 20 feet with parallel parking prohibited.
- A 5 foot wide pedestrian access to comply with ADA.
- No parking signs to be installed on both sides of roadway.
- A 25.5-foot wide easement

The proposed easement and improvements do not comply with the minimum improvements. (See Condition A-9)

Finding 3 – Road Modifications

There are no road modifications associated with this proposal.

Finding 4 – Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 12.05A.400. The applicant is not proposing a pedestrian access. Staff finds that because of safety concerns for people with disabilities, a pedestrian access would be required. (See Condition A-10)

Conclusion (Transportation)

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to conditions A-9 & A-10 meets the requirements of the county transportation ordinance.

STORMWATER:

Finding 1 – Applicability

The Stormwater and Erosion Control Ordinance CCC 13.29, adopted July 28, 2000, applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; The platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section 13.29.210.

This project will create more than 2000 square feet of new impervious surface, involves platting of single-family residential subdivision, and it is a land disturbing activity not exempted in Section 13.29.210, Stormwater and Erosion Control Ordinance.

Finding 2 – Stormwater Proposal:

The project proposes to achieve the required stormwater quality control by an 8'x16' Stormfilter unit with 21 cartridges. Quantity control is proposed by an infiltration trench

with 999.60LF Stormtech SC-740 chamber system with the preliminary plan providing a bottom elevation of 244.50 feet.

The tested infiltration rate from Geo Design dated December 1, 2003 was an actual measured rate of 10 inches per hour and did not contain a factor of safety. Their recommendation was that the base of the infiltration zone be placed at a minimum elevation of 235 feet. If a trench this deep is not feasible, infiltration can be accomplished by installing large-diameter dry wells.

In order to assure that the proposed stormwater infiltration facilities will function as designed, the infiltration rate used in the stormwater analysis shall be verified during the construction of the stormwater facilities. (See Condition A-11)

The preliminary stormwater report indicates that the proposed development will treat approximately 2.19 acres of impervious surface area for roads, driveways and roofs.

The applicant's engineer is stating that this proposal is able to comply with the current stormwater ordinance by providing on-site treatment and infiltration of the stormwater runoff. Due to the steep slopes on the site, individual connections to each lot are being provided to collect roof, driveway and lawn area runoff and well as providing gravity connections to the foundation drains. To facilitate maintenance of the infiltration system, a maintenance and emergency overflow and diversion piping system is being constructed as part of the project.

The stormwater facilities located within Tract "A" will be publicly owned and maintained.

Finding 3 – Site Conditions and Stormwater Issues:

The on site soils consist of Hillsboro Loam and the site has been substantially forested over the past 30 years. The underbrush has been somewhat cleared to allow accurate surveying of the property. The site slopes from south to north at approximately 30% and has areas where the slopes approach 50%. Substantial grading and/or retaining walls will be constructed to provide sufficient vehicle to most of the eastern lots.

USDA, SCS mapping shows the site to be underlain by Hillsboro loam (HoB) on 2% of the site (HIC) on 25% of the site, (HiE) on 6% of the site, (HIB) on 12% of the site, (HIF) on 22% of the site and (HIA) on 32% of the site with soils classified by AASHTO as A-4 soils. Stormwater and Erosion Control Ordinance, CCC 40.380, does not list A-4 soils as suitable for infiltration.

The project proposes to discharge the excess runoff into an existing conveyance system in NE 72nd Street.

Finding 4 – Erosion Control

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 13.29.200. This project is subject to the erosion control ordinance.

The migration of fine grained soil materials into the proposed infiltration facilities can significantly decrease the ability of the facilities to perform as functioned. The applicant

shall provide a clear explanation in the construction plans and stormwater report of the measures proposed to prevent contamination of the infiltration facilities by fine grained soil materials during construction. (See Condition A-12)

Conclusion (Stormwater)

Based upon the development site characteristics, the proposed stormwater plan and the requirements of the County's stormwater ordinance, staff concludes that the proposed preliminary stormwater plan, subject to condition A-11 and A-12 is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

GEOLOGICAL HAZARD AREAS:

Finding 1 – Applicability

All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 13.60, Geologic Hazard Areas Regulations.

The proposed property is within 100 feet of a slope instability area and is adjacent to a severe erosion hazard area, therefore, the provisions of CCC 13.60 apply to this development.

Finding 2 – Geologic Hazard Issues

The geotechnical engineer provided information of their visual geologic reconnaissance of the site which was conducted on November 17, 2003 by walking traverses along the existing “cat road” access road which is along the approximate location of the proposed NE 71st Circle. The existing road is along the base of a natural terrace along its upper elevations and a probable active landslide scarp along the easterly and northerly edge of the access road. Slopes appear stable above the access road (lots 1 through 13). Groves of mature Douglas Fir indicates stable conditions. Below and north of the access road is a near vertical 8 to 12 foot scarp which is the head scarp of a probable active landslide which appears to extend to and beyond the vertical cut at the south edge of the mobile home park. This area, which extends through lots 15 through 19, is characterized by very hummocky topography with occasional mature firs that are tilted, typical of an active landslide slopes.

The indicated landslide is presently active and represents a significant hazard to the area. Further, the landslide has moved some distance leaving an approximate 10-foot-high scarp. This amount of movement could have undermined the support of the upslope areas and future movements may be expected encroaching into the proposed NE 71st Circle. Additional studies and analysis are needed to confirm these observations. (See Condition A-13)

FIRE PROTECTION:

Fire Protection Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Fire Protection Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition E-3)

Fire Protection Finding 3 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for a 60-minute duration is required for this application. The required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Condition A-8)

Fire Protection Finding 4 – Fire Hydrants

Fire hydrants are required for this application. The indicated number and spacing of the fire hydrants is adequate.

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant. (See Conditions E-4 and E-5)

Fire Protection Finding 5 – Fire Apparatus Access

Roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (See Condition E-6)

WATER & SEWER SERVICE:

Finding 1

The site will be served by the Clark Public Utilities and Hazel Dell Sewer District. Letters from the above purveyors confirm that services are available to the site.

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See condition E-2)

IMPACT FEES:

Finding 1

Park (PIF), Traffic (TIF), and School (SIF) Impact Fees shall apply to the lots within this development. The site is within Park Facility Plan District No. 8 which has a total PIF of \$1,800.00 per lot (Acquisition - \$1,360.00, Development - \$440.00), the Hazel Dell Traffic District which has a TIF of \$1,325.92 per lot, and the Vancouver School District which has a SIF of \$1,725.00 per lot. (See Conditions B-1 and D-3)

If a building permit application is received more than three years following the preliminary plat approval, the Impact Fees will be recalculated according to the then current ordinance. This shall be noted on the face of the final plat. (See Conditions B-1 and D-3)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period:

Publication date of this DNS is September 22, 2004 and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on October 6, 2004.

Public Comment Deadline:
October 6, 2004

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Dan Carlson, (360) 397-2375, ext. 4499
Susan Ellinger, (360) 397-2375, ext. 4272

Responsible Official: Michael V. Butts

Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 5) and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Building Permits per CCC, Sections 12.05A.770(10) & (11) and 13.29.370.

- A-1** The final plat shall be revised to comply with the minimum average lot size standard for the R1-6 zone. (See Land Use Finding 1)
- A-2** The final plat shall be revised so that all lots meet the minimum average lot depth requirement for the R1-6 zone. (See Land Use Finding 2)
- A-3** The applicant shall submit a landscape plan that provides a minimum 5-foot buffer landscaped to an L3 landscape standard along the northern boundaries of Lots 15-19 and Tract "A". (See Land Use Finding 4)
- A-4** A covenant running with the land shall be recorded with the final plat that requires the owners of lots containing the required landscape buffers to maintain the landscaping in accordance with the approved final landscape plan. (See Land Use Finding 4)
- A-5** The required landscaping shall be installed within Tract "A" (See Land Use Finding 4)
- A-6** The existing foundation on the proposed Lot 1 shall be removed. (See Land Use Finding 5)
- A-7** The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made within 60 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works. (See Transportation Concurrency Finding 2)

- A-8** Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Fire Protection Finding 3)
- A-9** Construction of private road improvements along NE 17th and NE 18th Avenue are required to include a 20 foot wide curb to curb roadway, a 5 foot wide access way and "no parking" signs to be installed on both sides of roadway. (See Transportation Finding 2)
- A-10** A 5 foot wide pedestrian access to be constructed along the proposed NE 17th and NE 18th Avenue in accordance with ADA requirements. (See Transportation Finding 4)
- A-11** The infiltration rates used in the final stormwater analysis shall be verified during the construction at the exact location and depth of the proposed stormwater facilities by an engineer licensed in the State of Washington. (Stormwater Finding 2)
- A-12** The applicant shall provide a clear explanation in the construction plans and stormwater report of the measures proposed to prevent contamination of the infiltration facilities by fine grained soil materials during construction. (See Stormwater Finding 4)
- A-13** The proposed project is conditioned to implement all the recommendations contained in the Report of Geotechnical Engineering Services, prepared by GeoDesign, Inc., dated June 15, 2004. Additional studies and analysis are required by an engineer licensed in the State of Washington to confirm these observations. (See Geologic Hazard Areas Finding 2)

B. Conditions that must be met prior to issuance of Building Permits

- B-1** Impact fees shall be paid prior to issuance of a building permit for each lot as follows:
- Park Impact Fees: \$1,800.00 (Park District No. 8)
(Acquisition - \$1,360.00. Development - \$440.00)
 - Traffic Impact Fees: \$1,325.92 (Hazel Dell TIF sub-area)
 - School Impact Fees: \$1,725.00 (Vancouver School Dist)
- If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current ordinance rate. (See Impact Fee Finding 1)
- B-2** The applicant shall submit engineering, striping, signing plans and construct improvements at NE 16th Avenue and NE 72nd Street intersection to revise traffic control unless otherwise directed by the Director of Public Works. The intersection shall be operational according to approved plans prior to the issuance of building permits. (See Transportation Concurrency Finding 6)

- B-3** Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. (See Transportation Concurrency Finding 7)

C. Conditions that must be met <u>prior to issuance of Occupancy Permits</u>

- C-1** The required landscaping shall be installed prior to issuance of each occupancy permit for Lots 15-19. (See Land Use Finding 4)

D. Notes Required on Final Plat
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The following notes shall be placed on the final plat:

D-1 Archaeological (all plats):

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-2 Mobile Homes:

"Placement of Mobile Homes is prohibited."

D-3 Impact Fees:

"In accordance with CCC 40.610 the Park, Traffic, and School Impact Fees for each dwelling in this subdivision are: \$1,800.00 (\$1,360.00 - Acquisition; \$440.00 - Development for Park District No. 8), \$1,325.92 (Hazel Dell TIF sub-area), and \$1,725.00 (Vancouver School District) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-4 Critical Aquifer Recharge Areas:

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

D-5 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

D-6 Driveways:

"All residential driveway approaches entering public roads are required to comply with CCC 12.05A."

D-7 Private Roads:

"Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."

D-8 Geologic Hazard:

This proposed project is required to comply with CCC 13.60.

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Land Division:

- E-1** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Water Wells and Septic Systems:

- E-2** Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy).

Fire Protection:

- E-3** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Protection Finding 2)
- E-4** Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. (See Fire Protection Finding 4)
- E-5** The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant. (See Fire Protection Finding 4)

- E-6** The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (See Fire Protection Finding 5)

Pre-Construction Conference:

- E-9** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

Erosion Control:

- E-10** Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 13.29.
- E-11** For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- E-12** Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- E-13** Erosion control facilities shall not be removed without County approval.

Excavation and Grading:

- E-14** Excavation and/or grading associated with this project shall comply with CCC 14.040.020, the Clark County Building Code. The code and this review adopt by reference Appendix Chapter J of the 2003 International Building Code. Provisions of Appendix Chapter J apply to all grading activities except those exempted in Section J103.2, as amended by CCC 14.05.9000.J103.2.
- E-15** Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

Stormwater:

- E-16** Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 13.29.

Transportation:

- E-17** Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 12.05A.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,

4. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>